

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTHONY L. ROBERTS,

Petitioner,

v.

Case No. 08-C-0808

LARRY L. JENKINS,

Respondent.

ORDER

On October 14, 2008, Anthony L. Roberts filed a petition pursuant to 28 U.S.C. § 2254, asserting that his current confinement violates the Constitution. Roberts is currently incarcerated at the Redgranite Correctional Institution. Along with his petition, Roberts filed an Application to Proceed Without Prepayment of Fees and Affidavit. In the application, Roberts claims he is unable to pay the filing fee because he is incarcerated and unemployed, and has no income or assets. Roberts also submitted a Trust Account Activity Statement, though the name on the account is Alton Davis. (Dkt. #6 at 1.)

Unlike the filing fee for other civil actions, the filing fee for a petition seeking habeas corpus is only \$5.00. 28 U.S.C. § 1914(a). It seems unlikely that Roberts lacks sufficient funds to pay a \$5.00 filing fee, though I cannot make that determination without reviewing his account statement. The account statement he submitted shows sufficient funds to make such a payment but, as noted, it appears to be another inmate's. Roberts will therefore be granted 21 days within which to either pay the \$5.00 filing fee or provide the Court with a certified copy of his Trust Account Activity Statement showing that he

has insufficient funds. Failure to either pay the required fee or submit the required statement will result in dismissal of his petition.

SO ORDERED.

Dated this 16th day of October, 2008.

s/ William C. Griesbach

WILLIAM C. GRIESBACH
United States District Judge